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13 UNITED STATES DISTRICT COURT  
14 FOR THE NORTHERN DISTRICT OF CALIFORNIA

15 LEE CONWAY

16 Plaintiff,

17 v.

18 PEET'S OPERATING COMPANY,  
19 INC.; PEET'S COFFEE & TEA, INC.;  
20 ROBYN HALLIN; MS. DOE RUIZ;  
21 and; DOES 1-10, inclusive,

22 Defendants.

Case No. C14-05281 KAW

Civil Rights

**STIPULATION AND**  
**~~[PROPOSED]~~ ORDER TO**  
**EXTEND TIME UNDER F.R.C.P.**  
**RULE 12(F)**

Action Filed: December 2, 2014

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PEET'S OPERATING COMPANY, INC. and

PEET'S COFFEE & TEA, INC.

**STIPULATION**

**TO THE CLERK OF THE ABOVE ENTITLED COURT AND TO ALL  
PARTIES AND TO THEIR RESPECTIVE ATTORNEYS OF RECORD:**

WHEREAS, this case has been assigned for early disclosures and mediation under General Order 56;

WHEREAS, plaintiff's deadline for filing a motion under Federal Rule of Civil Procedure ("FRCP") Rule 12(f) regarding defendants PEET'S OPERATING COMPANY, INC. and PEET'S COFFEE & TEA, INC.'s Answer is January 28, 2015;

WHEREAS, plaintiff and defendants wish to avoid the time and expense of briefing an FRCP 12(f) motion until/unless mediation under General Order 56 does not succeed;

IT IS HEREBY STIPULATED by and among plaintiff and defendants that the deadline for plaintiff to file any motion under FRCP 12(f) be extended to 45 days past the date the mediator certifies that mediation under General Order 56 has been completed. It is also stipulated that 1) the parties shall meet and confer within 7 days after the mediation has been certified as completed; 2) that defendant shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any Rule 12(f) motion; and 3) that any amended answer shall be filed no later than 7 days after the parties meet and confer.

**IT IS SO STIPULATED.**

Dated: January 27, 2015

LAW OFFICES OF PAUL L. REIN

/s/ Catherine Cabalo

By: CATHERINE CABALO, ESQ.

Attorneys for Plaintiff

LEE CONWAY

1 Dated: January 27, 2015

FOX ROTHSCHILD, LLP

2  
3 /s/ Cristina Armstrong

4 By: CRISTINA ARMSTRONG, ESQ.

Attorneys for Defendants

5 PEET'S OPERATING COMPANY, INC. and

6 PEET'S COFFEE & TEA, INC.

**ORDER**

Pursuant to the stipulation of the parties, and for good cause shown, it is hereby ORDERED that the deadline for plaintiff to file any motion under Federal Rule of Civil Procedure 12(f) against defendants PEET'S OPERATING COMPANY, INC. and PEET'S COFFEE & TEA, INC. be extended to 45 days past the date the mediator certifies that mediation under General Order 56 has been completed. The parties shall meet and confer within 7 days after the mediation has been certified as completed. Defendant PEET'S OPERATING COMPANY, INC. and PEET'S COFFEE & TEA, INC. shall thereafter be allowed an opportunity to voluntarily amend its answer prior to plaintiff filing any FRCP 12(f) motion. Any amended answer shall be filed no later than 7 days after the parties meet and confer. **IT IS SO ORDERED.**

Dated: 2/4, 2015

  
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Honorable Kandis A. Westmore  
United States Magistrate Judge